

**United States Court of Appeals for the Second Circuit  
Thurgood Marshall U.S. Courthouse  
40 Foley Square  
New York, NY 10007**

**DENNIS JACOBS**  
CHIEF JUDGE

**CATHERINE O'HAGAN WOLFE**  
CLERK OF COURT

Date: January 7, 2015  
Docket #: 14-2156cv  
Short Title: Phillips v. City of New York

DC Docket #: 12-cv-98  
DC Court: EDNY (Brooklyn)  
DC Judge: Kuntz

**VERIFIED ITEMIZED BILL OF COSTS**

Counsel for  
State defendants-appellees

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respectfully submits, pursuant to FRAP 39 (c) the within bill of costs and requests the Clerk to prepare an itemized statement of costs taxed against the plaintiffs-appellants

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and in favor of  
State defendants-appellees

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for insertion in the mandate.

Docketing Fee \_\_\_\_\_

Costs of printing appendix (necessary copies \_\_\_\_\_ ) \_\_\_\_\_

Costs of printing brief (necessary copies 7 ) \$154.80

Costs of printing reply brief (necessary copies \_\_\_\_\_ ) \_\_\_\_\_

**(VERIFICATION HERE)**

/s/ James Andrew Kent  
Signature

UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT

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NICOLE PHILLIPS, individually and on  
behalf of B.P. and S.P., minors, DINA  
CHECK, on behalf of minor M.C., FABIAN  
MENDOZA-VACA, individually and on behalf  
of M.M. and V.M., minors,

Docket No. 14-2156-cv

Plaintiff-Appellants,

**VERIFICATION OF  
ITEMIZED BILL OF COSTS**

-v.-

CITY OF NEW YORK, ERIC T.  
SCHNEIDERMAN, in his official capacity as  
Attorney General, State of New York, DR.  
NIRAV R. SHAH, in his official capacity as  
Commissioner, New York State Department of  
Health, NEW YORK CITY DEPARTMENT  
OF EDUCATION,

Defendants-Appellees.

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Andrew Kent, an attorney admitted to practice before this Court,  
affirms the following under penalty of perjury:

1. I am an Assistant Solicitor General in the office of Eric T.  
Schneiderman, Attorney General of the State of New York, the attorney for  
state defendants-appellees. I am familiar with the matters set forth in this  
verification based on my review of this Office's policies and case file.

2. In an opinion issued January 7, 2015, this Court affirmed the  
order of the District Court for the Eastern District of New York (Kuntz, J.)  
which granted defendants' motions to dismiss.

3. I make this Verification in support of state defendants-appellees' Bill of Costs so that costs may be taxed against plaintiffs-appellants and in favor of state defendants-appellees for insertion in the mandate pursuant to Federal Rules of Appellate Procedure 39.

4. The costs set forth on the annexed Itemized and Verified Bill of Costs were necessarily incurred by state defendants-appellees in this appeal and are reasonable in amount.

5. The costs were calculated based on the rates listed in the attached memorandum from the Office of the Attorney General:

- a.* reproduction costs: 20¢ per page
- b.* binding: \$1 per document
- c.* cover: \$75
- d.* record preparation: \$150

6. Based on these rates, the cost to state defendants-appellees for reproduction of papers is \$154.80, calculated as follows:

*Brief:*                    **154.80** (52 pgs x 7\* x 20¢ + 7 [binding] + 75 [cover])  
                                      \*7 copies based on 6 filed; 1 office copy

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*Total*                    **154.80**

7. Therefore, total recoverable costs of \$154.80 should be taxed against plaintiff-appellants and in favor of state defendants-appellees for insertion in the mandate.

Dated: January 8, 2015  
New York, NY

/s/ Andrew Kent  
Andrew Kent  
Senior Counsel



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

**MEMORANDUM**

**TO:** Barbara D. Underwood  
**FROM:** Michael Lefebvre, Director, Budget and Fiscal Management  
**RE:** Costs in Litigation and Reproduction Rates for Appellate Courts  
**DATE:** March 22, 2011

Whenever possible, bureaus should seek all costs as authorized by federal or state statute or rule, including docketing fees and reproduction of documents. The following rates for the reproduction of appellate papers apply when these costs are to be charged to or shared with an individual or firm outside the Department of Law.

1. When legal papers are reproduced by an outside commercial printer, we charge the actual costs (to the legally permitted maximum) as indicated on the payment voucher/invoice from the printer.
2. When reproduction is performed in our own printing units, we will charge as follows:

**RATES FOR CALCULATION OF COSTS**

	Rate	Notes
<b>Per page charge for all documents</b>	.20	motion papers, briefs, or records
<b>Binding per document</b>	1.00	e.g., thirteen copies of a brief = \$13
<b>Cover</b>	75.00	flat fee, including preparation of reproduction
<b>Miscellaneous preparation fees</b>		a flat fee per case that covers scanning and OCR conversion, producing tables of contents, page headings (for state court cases)
2nd Circuit and Appellate Divisions	150.00	
Court of Appeals	50.00	

This administrative memorandum supersedes the 1993 memoranda governing reproduction and preparation costs for legal printing or legal documents on appeal. Costs for reproduction of documents under the Freedom of Information Law are set under a separate memorandum.